IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.219 OF 2003

Shri Ambadas Dattatraya Gote ... Petitioner

Vs.

The District Collector, Pune & Ors. ... Contemnors

ALONG WITH

CONTEMPT PETITION NO.138 OF 2003

Mr. Shivaji Laxman Mane & Ors. ... Petitioners

Vs.

State of Maharashtra & Anr. ... Contemnors

Mr. P.N. Joshi for the petitioner in Contempt Petition No.219 of 2003.

Mr. S.N. Chandrachud for the petitioners in Contempt Petition No.138 of 2003.

Mr. A.P. Vanarse, A.G.P. for the contemnors.

CORAM : A.M. KHANWILKAR, J.

DATED : 10TH JULY, 2006.

P.C.:-

Heard counsel for the parties.

Further affidavit has been filed by respondent No.1 - Collector of Pune, sworn on 7/7/2006. This affidavit records the steps taken by him. It is noted

in the affidavit that the representation made by the petitioners has been duly processed by the competent authority and has been rejected for the reasons noted in the order dated 5/7/2006.

In that sense, nothing survives for consideration in the present contempt petitions. Indeed, the record establishes that undue time was taken by the respondents to comply with the directions given by the Division Bench dated 27/9/2000. However, for the explanation offered by the respondents, in particular, respondent No.1 – Collector, that delay will have to be excused. Accordingly, the above contempt petitions are disposed of leaving all questions open regarding the justness of the decision taken by the Collector on 5/7/2006. It will be open to the petitioners to question the correctness of the view of the competent authority in appropriate proceedings as may be advised. Those proceedings will have to be decided on its own merit and in accordance with law. In other words, all questions are kept open. Contempt petitions are disposed of in the above terms. Notice issued to the respondent-contemnor is discharged. The requirement of paying costs by respondent No.1 - Collector personally as noted in the order dated 23/6/2006 is waived.

[A.M. KHANWILKAR, J.]